

## NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

### NOTICE OF PUBLIC INFORMATION

#### DEPARTMENT OF HEALTH SERVICES

[M10-215]

1. **Title and its heading:** 9, Health Services
- Chapter and its heading:** 5, Department of Health Services – Child Care Facilities
2. **The public information relating to the listed Section:**  
On May 6, 2010, the Governor signed SB1315, which changes requirements for licensing child care facilities. SB1315 is effective on July 29, 2010. SB1315 gives the Arizona Department of Health Services (Department) exempt rulemaking authority to amend the rules for child care facility licensing. The Department has drafted rules that conform to new requirements in SB1315. The rulemaking will also delete unnecessary and obsolete provisions; clarify requirements; address technical changes; reorganize the rules to make the rules more clear, concise, and understandable; and make changes consistent with current industry practice and Department policy. This Notice of Public Information provides notice that the Department will hold public hearings to obtain public comment about the child care facility licensure rules and a web site address where interested persons may obtain information about the rulemaking, view the draft rules, and learn more about the public hearings.
3. **The name, address, and telephone number of agency personnel to whom questions and comments on the rules may be addressed:**  
Name: Lourdes B. Ochoa, Program Manager  
Address: Department of Health Services  
Division of Licensing Services  
Office of Child Care Licensing  
150 N. 18th Ave., Suite 400  
Phoenix, AZ 85007  
Telephone: (602) 364-2539  
Fax: (602) 364-4768  
E-mail: [ochoal@azdhs.gov](mailto:ochoal@azdhs.gov)  
or  
Name: Thomas Salow, Acting Manager  
Address: Department of Health Services  
Office of Administrative Rules and Counsel  
1740 W. Adams St., Suite 203  
Phoenix, AZ 85007  
Telephone: (602) 364-1935  
Fax: (602) 364-1150  
E-mail: [salowt@azdhs.gov](mailto:salowt@azdhs.gov)
4. **The web site where persons may obtain information about the rulemaking:**  
[http://www.azdhs.gov/diro/admin\\_rules/child\\_care\\_facilities.htm](http://www.azdhs.gov/diro/admin_rules/child_care_facilities.htm)
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
The Department has scheduled the following public hearings:  
Date: July 12, 2010  
Time: 1:00 p.m.  
Location: 150 N. 18th Ave., Room 540A  
Phoenix, AZ 85007  
and

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Date: July 13, 2010  
Time: 1:30 p.m.  
Location: 400 W. Congress St., Room 444  
Tucson, AZ 85701

A person with a disability may request a reasonable accommodation for the public hearings, such as a sign language interpreter, by contacting Thomas Salow at (602) 364-1935 or [salowt@azdhs.gov](mailto:salowt@azdhs.gov). Requests should be made as early as possible to allow time to arrange the accommodation.

**NOTICE OF PUBLIC INFORMATION**

**LAWS 2010, CH. 287**

**Revisions to the Rulemaking Process in the Administrative Procedures Act  
Extension of the Rulemaking Moratorium Through Fiscal Year 2011**

[M10-191]

**1. Reason for the Notice of Public Information:**

Laws 2010, Ch. 287 revised the Administrative Procedure Act and extended the moratorium on rulemaking through fiscal year 2011

**2. Effective date of Laws 2010, Ch. 287:**

July 29, 2010

**3. Summary of Laws 2010, Ch. 287:**

Revises the rulemaking process by expanding the use of summary rulemaking, authorizing a general permit and expanding the role of the governor's Office of Strategic Planning and Budgeting.

Requires the rule's benefits to outweigh its probable costs and the agency to demonstrate it selected the least burdensome and costly alternative. (Strikes the requirement for this to be by clear and convincing evidence).

Expands the requirements for the Economic, Small Business and Consumer Impact Statement.

For the agency's five-year review, requires a determination that the rule imposes the least burden and cost to the regulated community.

During an appeal of an agency rule, outlines an additional reason for filing an objection.

Extends the rulemaking moratorium on rulemaking through fiscal year 2011

(Excerpted from Arizona House of Representatives House Majority Research Memorandum of April 28, 2010. Available online at [www.azleg.gov](http://www.azleg.gov).)

**4. Contact for rulemaking moratorium questions:**

Communications regarding exceptions to the moratorium, or questions regarding the moratorium generally, should be addressed to Richard Bark, Deputy Chief of Staff, Policy, at [rbark@az.gov](mailto:rbark@az.gov).

**5. Location of full text of Laws 2010, Ch. 287:**

The entire text of Laws 2010, Ch. 287 is available online at [www.azsos.gov](http://www.azsos.gov) under Legislative Filings.

**NOTICE OF PUBLIC INFORMATION**

**LAWS 2009, 3RD SPECIAL SESSION, CH. 7, § 28**

**("Moratorium on rule making relating to increased monetary or regulatory costs; exceptions; definitions")**

[M09-429]

**1. Reason for the Notice of Public Information:**

Laws 2009, 3rd Special Session, Ch. 7, § 28 enacted into law a moratorium on rulemaking through June 30, 2010.

**2. Effective date of Laws 2009, 3rd Special Session, Ch. 7, § 28:**

November 24, 2009

**3. Text of Laws 2009, 3rd Special Session, Ch. 7, § 28:**

Sec. 28. Moratorium on rule making relating to increased monetary or regulatory costs; exceptions; definitions

A. Notwithstanding any other law, for fiscal year 2009-2010, an agency shall not conduct any rule making, including an informal rule making process, that would impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons or individuals or would not reduce the regulatory burden on the persons or individuals so regulated.

B. Subsection A of this section does not apply to rule making for any of the following:

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1. An authorization or requirement enacted by the legislature after January 1, 2009 or as authorized by the governor after January 22, 2009.
  2. To avoid a violation of a court order or federal law that would result in sanctions by the court or federal government to an agency in fiscal year 2009-2010 for failure to conduct the rule making action.
  3. To prevent a threat to the public health, peace or safety.
  4. To fulfill an obligation related to fees, rates, fines or regulations that are expressly delineated in the constitution of this state.
  5. To implement or comply with the fiscal year 2009-2010 state budget or the American recovery and reinvestment act of 2009 (P.L. 111-5).
  6. A rule or other item that is exempt from title 41, chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
  7. To eliminate or replace archaic or illegal rules.
- C.** An agency shall not conduct any informal or formal rule making pursuant to this section without the prior written approval of the office of the governor. This subsection does not apply to any agency that is independent of the office of the governor, including any agency that is headed by a single elected official or the corporation commission.
- D.** For the purposes of this section, “agency”, “person”, “rule” and “rule making” have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

**4. Governor’s Office contact information:**

Communications regarding written approval of the office of the governor should be addressed to Richard Bark, Deputy Chief of Staff, Policy at [rbark@az.gov](mailto:rbark@az.gov).